

# **CITY OF FALLS CHURCH PLANNING COMMISSION**

## **RULES OF PROCEDURE**

The City Planning Commission meets the first and third Monday of each month

7:45 PM

City Hall

Council Chamber

300 Park Avenue

Falls Church, Virginia

Citizens are urged to attend and to participate in Commission work. A mailing list for Planning Commission agenda is maintained for persons who wish to stay informed of Planning Commission activities. Contact the staff, 703-248-5040, if you wish to receive further information.

Approved 1 December 2003

## **HISTORY**

The first meeting of the Town Planning Commission was held November 9, 1939. The Commission was composed of three citizen members with the Mayor and Town Clerk serving in ex-officio capacities.

The Commission met regularly in its originally constituted form until September 1, 1949, when it expanded to five citizen members, plus the City Manager and a City Councilman, each ex-officio.

February 1, 1955, the Commission was expanded to seven citizen members which included one member of the Board of Zoning Appeals and one City Councilman, ex-officio members being no longer officially affiliated. March 12, 1966, a Charter amendment provided that the City Council representative be replaced by a citizen member.

Although a Master Plan and a Zoning Map for the Town were adopted in 1946, it was not until the latter part of the 1950s that a comprehensive Master Plan for the City, prepared by the consulting firm of Tarrant and Alten, was adopted, including a Major Thoroughfare Plan (March 1957), Projected Land Use Plan (May 1958), Zoning Ordinance text (February 1959), and Official Zoning District Map (May 1959).

April 1, 1966, a supplemental plan for the Central Business District (CBD) was adopted which sought to provide physical and aesthetic incentives for revitalization of the mid-City business area.

In the intervening years since the adoption of the Zoning Ordinance in 1959, there have been numerous amendments to it and other portions of the City Code which have enlarged the scope of plan implementation. Changes concern site plans, townhouses, advertising signs, off-street parking, outdoor lighting, underground utilities, and creative development and cluster.

In 1975, the City undertook a comprehensive, Community-wide Master Plan revision. This became a major effort, extending over a three year period. Detailed studies were made, and ample opportunities for citizen participation were provided. The result was a unified, comprehensive, policies plan with sections on land use, housing, utilities, natural features, parks, open space, transportation, business development, and fiscal management. The plan was adopted by the Planning Commission on February 13, 1978, and approved by the City Council on March 27, 1978.

Since 1978, the Master Plan has undergone several formal reviews. Many revisions have been adopted as a result of these reviews and in response to the City's changing needs and aspirations. An important supplement to the Master Plan, the "Streetscape Plan for West Broad Street", was adopted 1987. During this period, the Planning Commission continued to refine the City's zoning regulations and the capital improvements programs into important tools for implementing the Master Plan. As the decade of the "80s" drew to a close, the Commission undertook another formal review of the Master Plan and sponsored new programs for consensus building and planning for the City's future.

In 1994, the City again began the Comprehensive Plan review process. At this time the City decided to create a new document instead of revising the old Plan. This effort involved a large scale community outreach program enabling the drafters to incorporate comments and concerns from all areas of the Falls Church community. The process of creating the vision of the City to refining the implementation language took four years. Experts were used, studies performed, forums held, resulting in a document that has detail to provide guidance for the years to come.

The Comprehensive Plan was adopted by the Planning Commission on October 20, 1997, and approved by the City Council on November 10, 1997.

# **CITY OF FALLS CHURCH PLANNING COMMISSION RULES OF PROCEDURE**

## **TABLE OF CONTENTS**

I.	General Duties	5
II.	Planning Duties	5
III.	Specific Functions	7
IV.	Members	8
V.	Officers and Their Selection	8
VI.	Duties of Chairman, Vice Chairman, and Secretary	9
VII.	Standing and Special Committees	9
VIII.	Applications	10
IX.	Agenda	14
X.	Meetings	15
XI.	Order of Business	16
XII.	Public Hearings	17
XIII.	Voting	18
XIV.	Minutes	19
XV.	Correspondence and Official Papers	20
XVI.	Annual Report to City Council	20
XVII.	Work Program	20
XVIII.	Procedures Amendments	21
XIX.	Effective Date	21

# **RULES OF PROCEDURE**

## **I. General Duties**

The present Commission has adopted the following procedures in order to exercise its duties in accordance with the provisions of Chapter 17 of the City Charter and pursuant to Chapter 11, Title 15.1, Articles 1 and 3 through 9, Code of Virginia.

The Commission shall:

- A. Organize and elect officers annually at the first regular meeting in the month of January;
- B. Adopt Rules of Procedure and exercise general supervision over its affairs;
- C. Prescribe rules pertaining to its investigations and hearings;
- D. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the City Charter;
- E. Review the Planning Division annual operating budget;
- F. Keep a complete record of its proceedings; and provide for the custody and preservation of its papers and documents;
- G. Make recommendations and an annual report to the City Council concerning the operation of the Commission and the status of planning within its jurisdiction;
- H. Prepare, publish, and distribute reports, proposed ordinances and other material relating to its activities;
- I. Review and submit recommendations for a Capital Improvement Program and Capital Budget in the manner prescribed by City Charter; and
- J. Through consensus motion, establish a work program with projects and priorities.

## **II. Planning Duties**

- A. The Commission shall establish guidelines and make recommendations for the preparation and maintenance of a Comprehensive Plan for the development of the City. Such Plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the Commission's long range recommendations for the general development of the territory covered by the Plan. It may include the designation of:

1. Areas for various types of public and private development and use, such as types of residential, commercial, industrial, conservation, recreation, public service, floodplain and drainage, and other areas, which part of the Plan may be known as a Projected Land Use Plan including a Land Use Intensity Plan;
2. A comprehensive system of transportation facilities such as streets, roads, highways, parkways, bikeways, railways, bridges, viaducts, waterways, and other like facilities to be a part of the Major Thoroughfare Plan;
3. A system of community service facilities such as parks, schools, playgrounds, public buildings and institutions, hospitals, community centers, and water works;
4. Areas for redevelopment or other treatment;
5. Areas and sites for the preservation of historic landmarks to be a part of the Historic Sites map;
6. The design and location of statuary and other works of art; and
7. The location of uses and development of areas beyond the City considered for boundary adjustment.

The Plan shall be general in nature, in that it shall designate the approximate location, character, and extent of each feature shown and may indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

In the preparation and periodic review of the Plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of the community. The Plan shall be composed with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the area which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity or general welfare, as well as efficiency and economy in the process of development.

- B. The Commission shall review the Comprehensive Plan at least every five (5) years. In its review of the Comprehensive Plan, the Commission shall consider such matters as the following:
1. Existing development, use of land, trends of growth or changes, natural site characteristics, history of community population changes, population densities, employment and economic factors, existing community facilities, characteristics and conditions of existing development, areas of blight, street and highway facilities, traffic conditions, parking conditions, drainage conditions, flood control and preventive measures, transportation facilities, schools and recreational facilities, and any other matters relating to the subject matter and general purposes of the Plan.
  2. Probable future economic and population growth of the community, and requirements for land areas for urban growth, housing, industry, transportation, water supplies, schools, parks, and other public purposes.

3. The status of progress made on implementation of Comprehensive Plan goals, objectives, policies and programs.
4. Proposed amendments to the Comprehensive Plan requested by the Council, Planning Commission, staff, and by residents or landowners of Falls Church. All proposed amendments must satisfy one of the following criteria:
  - a. Significant changes have occurred in the area of concern since the adoption of the Plan as amended;
  - b. The adopted Plan contains provisions which unreasonably limit the ability of the City to achieve the objectives of the Plan;
  - c. Oversights or inconsistencies are contained in the adopted Plan as they affect the area of concern.

Proposals may not be considered favorably by the Planning Commission if substantially the same proposal was considered unfavorably by the Planning Commission or City Council during the previous year, unless there has been a significant change in circumstances relating to the nomination. Persons having matters for consideration should submit a summary of the proposed amendment to the Planning Division. This summary should identify the item of concern and explain why the amendment is proposed. Proposals shall be examined by the Planning staff, with recommendations submitted to the Planning Commission.

- C. The Comprehensive Plan shall be implemented by the preparation and recommendation of the following:
  1. A five year Capital Improvement Program and one year Capital Budget of public works projects based on the policies in the Plan and related to the financial resources of the community, which Program should be reviewed annually;
  2. Development policies and detailed plans of specific areas;
  3. A Subdivision Ordinance; and
  4. Zoning Ordinance text and Zoning Map.

### **III. Specific Functions**

The Commission has authority in the State Code and the City Charter, and is delegated certain important powers and responsibilities which include, but are not limited to, the following:

- A. Final determination, through motion to approve:
  1. Site plans;
  2. Subdivisions; and
  3. Easement acceptance.
- B. Mandatory recommendations to the City Council, through motion or resolution:
  1. Comprehensive Plan Amendments (by resolution);

2. Rezoning (map) Amendments;
  3. Creative Development Plans and Amendments;
  4. Zoning Ordinance (textual) Amendments;
  5. Acquisitions and Vacations of Public Property;
  6. Disposal of City-owned Property;
  7. Mixed-Use Redevelopment Plans and Amendments; and
  8. Special Exception Applications.
- C. Mandatory recommendations on the Capital Improvement Program, One Year Capital Budget, and recommendations on the operating budget of the Planning Division.
  - D. Mandatory referral to the Board of Zoning Appeals, through motion: Special Use Permits.
  - E. Recommendations to the Board of Zoning Appeals, through motion: Variances relating to site plans.
  - F. Recommendation to the Zoning Administrator, through motion: Zoning Ordinance, use clarification.
  - G. Mandatory finding that the general location, character, and extent of any proposed public building or structure, street, square, park, other public way, ground, open space, or school, are included in the Comprehensive Plan (Section 17.07 of the City Charter).

#### **IV. Members**

- A. The Commission shall consist of seven (7) members appointed by City Council for staggered four (4) year terms. Each shall be a qualified voter of the City, actually residing within the City limits, who holds no office of profit under the City government.
- B. The Commission Chair shall appoint one Commissioner to the Advisory Board of Recreation and Parks for a term of two (2) years, commencing in January.
- C. Vacancy in Commission membership shall be filled for the unexpired portion of the term by the City Council.
- D. A member may be removed by the City Council for neglect of duty or malfeasance in office, upon written charges after public hearing.

#### **V. Officers and Their Selection**

- A. The officers shall consist of a Chair and Vice Chair.
- B. Each officer shall be elected by the Commission from seated members of the Commission.



- C. A candidate receiving a majority vote shall be declared elected. The new Chair shall take office immediately and serve for one (1) year or until a successor shall take office. The Chair shall serve no more than two (2) consecutive one-year terms.
- D. Vacancies in office shall be filled immediately by the above elective procedures.
- E. The Planning Director shall serve as Secretary to the Planning Commission.
- F. In the absence of both officers, the senior member present, with the most consecutive service, according to the records of the Secretary, shall assume the duties of the Chair.

## **VI. Duties of Chair, Vice Chair, and Secretary**

- A. The Chair shall:
  - 1. Preside at all meetings and hearings;
  - 2. Decide all points of order;
  - 3. Appoint committees, special and standing, unless objection is raised, in which event appointment shall be subject to approval by a majority vote;
  - 4. Perform such duties as are required in carrying out Section XV relating to official correspondence; and
  - 5. Carry out other duties as are assigned by majority vote.
- B. The Vice Chair shall:
  - 1. Assume the duties of the Chair in the Chair's absence; and
  - 2. Respond to public petitions by recommending appropriate action.
- C. The Secretary shall be responsible for the following:
  - 1. Performing such duties as are required in carrying out Section XIV pertaining to minutes;
  - 2. Presenting for approval at each meeting the minutes of the preceding meeting;
  - 3. Having available for use at all meetings all related minutes of Architectural Advisory Board, Planning Commission, Board of Zoning Appeals and City Council, as well as a reference copy of the Comprehensive Plan, Chapter 11, Title 15.1, Code of Virginia, and Roberts Rules of Order;
  - 4. Advising on all questions relating to Rules and parliamentary procedure; and
  - 5. Appointing a Planning Commission Recording Secretary.

## **VII. Standing and Special Committees**

The following standing committee shall be appointed each year:

Rules of Procedure Committee shall be composed of at least three (3) members. They shall be empowered to propose such amendments to the Rules of Procedure as may be proper and appropriate to attain maximum efficiency of Commission business and to provide fair and informative public hearings.

## **VIII. Applications**

- A. All applications shall be submitted to the Planning Commission not later than forty-five (45) days after the application is filed, except applications which the staff finds to be incomplete or which do not meet the standards set forth in the City Code. The applicant shall be notified of an incomplete application or of aspects of the application which do not meet City Code.
- B. Site Plans.
  - 1. Applications for site plans shall be submitted to the Planning Division and shall include all necessary elements and documentation, such as landscaping plan and building elevations, in accordance with Section 38-29 of the City Code. The applications shall be submitted with twenty-two (22) copies of the complete plan and the appropriate fee. Incomplete applications shall not be accepted.
  - 2. The Planning Division shall schedule review of the plans with appropriate staff members and advisory groups, and it shall send notification to nearby property owners of the date of the public hearing.
  - 3. The Planning Division shall forward to the Planning Commission the comments and recommendations of all reviewing staff, the Architectural Advisory Board and Historical Commission, and other boards and commissions, if applicable, as part of a Planning Division report containing recommendations for revisions and conditions of approval. The Planning Division shall transmit all reports to the applicant.
  - 4. At the public hearing, the Planning Commission may give guidance to the applicant without taking preliminary action, or it may conclude its preliminary review, or it may take final action.
  - 5. Final action by the Planning Commission (approval or denial) on a site plan shall be in accordance with Section 38-29 of the City Code. All Commission conditions and stipulations shall be by motion and subsequently shall be shown on the final plan.
  - 6. The approved plan shall be submitted to the same reviewing departments, together with all necessary documentation concerning bonds, easements, etc. prior to the release of the plan by the staff for building or other construction permits.
  - 7. Minor changes to an approved plan shall be reviewed by the Planning Division Director and Public Works Division Director (the City Engineer and/or the Zoning Administrator) and approved when, in their judgment, the changes would not in any way conflict with the intent of the plan approved by the Planning Commission. The Planning Division Director shall inform the Commission of approved changes.
  - 8. Where minor changes to an approved site plan alter any architectural feature or materials, the Architectural Advisory Board shall review the change and forward its

recommendation to the Planning Division Director prior to final action as stated in paragraph 7., above.

9. Major changes or revisions on an approved site plan shall be forwarded to the Planning Commission and shall be in the same form and be processed in the same manner as a new site plan.
10. Site plans which involve additions to existing structures, where the additional floor area does not exceed 1,500 square feet or is not greater than 50% of the existing floor area, shall be approved or denied by the Planning Division Director after compliance with the same site plan requirements stated in Section 38-29 of the City Code. However, the Planning Division Director may at his or her discretion forward such site plans to the Planning Commission for approval. These site plans shall be reviewed by the appropriate reviewing departments and by other boards and commissions in the same manner described above. A public hearing shall not be required if final action is taken by the Planning Division Director. A written notice of the application shall be sent to adjacent property owners, providing them one week for review of the application in the Planning office.
11. If a subdivision plat is required and made a condition of site plan approval, it shall be approved and recorded prior to the release of the approved site plan or permits by the staff.
12. The Planning Division shall periodically report to the Commission on the progress of site plans and planning related initiatives. The report shall include all phases from receipt of applications through as-built plan approval. The report may be in oral or written form.
13. The filing fee for a site plan shall be waived if the applicant is a municipality, a nonprofit community organization in the City of Falls Church, or a regional agency of which the City is a member.
14. The Planning Division Director shall survey periodically all applicants who submitted site plans during the year, and all citizens and civic groups that appeared to address applications to solicit their views regarding the fairness, reasonableness, cost-effectiveness, and efficiency of the site planning and approval process. The survey instrument shall be approved by the Planning Commission.

#### C. Subdivisions

1. Applications for subdivision shall be submitted to the Planning Division not later than twenty-eight (28) days preceding the meeting at which the application is to be heard, and shall include all details in accordance with Chapter 31 of the City Code. Applications may be submitted for preliminary or final plats or may be combined on one preliminary-final plat depending on the complexity of the subdivision. Applications shall include sixteen (16) copies of the plat and appropriate fee. Incomplete applications shall not be accepted.
2. The Planning Division shall schedule review of the plat with appropriate staff members, and it shall send notification to nearby property owners of the date of the public hearing.
3. The proposed name of the subdivision shall be reported to the Historical Commission which shall comment on the appropriateness of the name.

4. The Planning Division shall forward to the Planning Commission comments and recommendations of all reviewing staff as part of a report containing recommendations and conditions of approval. The Planning Division shall transmit all reports to the applicant.
5. At the public hearing, the Planning Commission may give guidance to the applicant prior to taking preliminary action, or it may approve the preliminary plat, or in the case of preliminary-final plats, may take final action.
6. Subdivision applications which involve minor adjustments to property lines, and which do not involve the creation of any new lots or parcels, and which are in accordance with the requirements of Chapter 31, Subdivisions, and Chapter 38, Zoning, shall be approved by the Planning Division Director following appropriate review by other departments. A public hearing shall not be required. A written notice of the application shall be sent to adjacent property owners, providing them one week for review of the application in the Planning office.
7. The Planning Division shall not release the approved plat for signature by the Planning Commission Chair until all changes required by the Commission have been made and until all development plans and bonds have been approved.
8. Following release of the approved plat by the Planning Division, the Chair shall sign the original copy of the plat, usually on reproducible medium, and five (5) copies of the original plus any additional copies requested by and provided by the applicant.
9. The original plat and any additional copies provided shall be returned to the applicant who shall record the approved plat in the Office of the Clerk of the appropriate jurisdiction within six (6) months of the date of approval.

D. Zoning Map Amendments

Applications must be received by the staff not later than forty-five (45) days preceding the Commission meeting at which the application is to be heard.

E. Conditional Zonings/Rezoning

In the case of an application for conditional zoning the following procedures shall pertain:

1. Prior to the submission of any proffers, the applicant may request a conference with the Planning Division Director to discuss the nature, scope, effect and/or desirability of such proffers, or any other matter relative to the application which is deemed pertinent by the applicant or by the Planning Division Director. The Planning Division Director shall submit a written report of any such conference to the City Manager and to the Planning Commission.
2. Before the first public hearing before the Planning Commission, the Planning Division Director shall recommend to the Planning Commission such proffers in addition to those submitted by the applicant which he or she deems to be reasonable and proper for the general purpose of promoting the health, safety or general welfare of the public.

3. The Planning Commission may also recommend to the City Council additional proffers which it deems to be reasonable and proper for the general purpose of promoting the health, safety or general welfare of the public.
4. Not less than fourteen (14) days prior to the public hearing before the City Council on the application in question, the applicant may submit additional proffers in writing to the Planning Division Director, provided that such additional proffers are among those previously recommended by the Planning Commission.
5. The Planning Division Director or the Planning Commission may refer any proffer submitted by the applicant to the City Attorney, prior to taking action on the application.
6. If additional public hearings are required by the Commission after initial referral to the City Council, the applicant shall bear the costs for additional advertising and notice for such public hearings.
7. The Planning Division Director shall submit a report to the Commission detailing the action taken by the City Council on the application not more than fourteen (14) days after final action by the City Council.

F. Special Use Permits.

The Commission shall consider each application received from the Zoning Administrator and shall transmit its recommendations to the Board of Zoning Appeals.

G. Variances

The Zoning Administrator and/or Planning Division Director shall transmit to the Commission all pertinent application materials relating to variances involving site plans, either previously approved or pending approval, in order that the Commission may forward a recommendation to the Board of Zoning Appeals.

H. Special Exception Applications

1. Applications for special exceptions to specific regulations and restrictions of the designated zoning districts of the City shall be submitted to the Planning Division and shall include all necessary elements and documentation, as well as the appropriate fee, in accordance with Section 38-4(f) of the City Code. Incomplete applications will not be accepted.
2. Each application for a special exception shall be reviewed by staff.
3. Following the initial staff review, the public hearing process shall proceed, as described in Section 38-4(b) of the City Code. The Planning Division shall send notification to nearby property owners of the date of the public hearing.
4. Following its public hearing, the Planning Commission shall carefully consider the special exception application using established criteria and shall make its recommendation to the City Council for approval, in whole or in part, or for denial. The Planning Commission may also recommend to the City Council additional conditions which it deems to be reasonable and proper for the general purpose of promoting the health, safety or general welfare of the public.

5. The Planning Division Director shall report to the Commission on the action taken by the City Council on the application not more than thirty (30) days after final action by the City Council.

## **IX. Agenda**

- A. The staff shall formulate an agenda, in consultation with the Chair, six (6) days in advance of a regular meeting, and distribute same at least four (4) days in advance.
- B. Each member of the Commission, applicants, their agents, and other affected or interested parties shall be notified by written agenda. Such notice shall act as official reminder to all parties of said meeting.
- C. Each agenda item shall indicate the type of action to be taken by the Commission.
- D. If, when preparing the agenda, the number of potential items is so great that the meeting likely will extend beyond 10:30 PM, the Chair and the staff shall seek to defer items to a future meeting or meetings.
- E. Planning Commission meeting materials shall be delivered to Planning Commission members on Thursday prior to the Monday meeting and available to applicants on Friday prior to the Monday meeting.
- F. Information for inclusion in the Commission's meeting package must be received by the staff no later than Noon the Tuesday prior to the Commission meeting. Any materials received after Tuesday may not reach Commission members prior to the meeting. Materials which are presented at the meeting, but which were not provided in the package, may be cause for deferral of the item.
- G. The staff shall outline the anticipated content of the next scheduled meeting, to the extent that this information is known, in the cover memo accompanying the materials for the current meeting.
- H. The Commission may continue deliberations of an agenda item and no further public or formal notice shall be necessary provided that a specific future date be set for continuation or disposition at the time of initial consideration.
- I. If an applicant or his or her agent fails to appear without explanation, the agenda item shall be automatically continued to a specific future meeting.
- J. If a future date for continued deliberation on an agenda item is established, it will not again appear on the agenda until that specific date.
- K. Items of unfinished business shall be continuously carried over to succeeding meetings under the title of "Old Business" until final disposition occurs.

- L. If an agenda is amended during a meeting, the new item shall be given a separate designation which shall not duplicate the designation of another item listed under the subject heading in the particular order of business. Such new item may be considered out of turn in the alphabetical sequence listed in the agenda.

## **X. Meetings**

Each member of the Commission is responsible for notifying the Chair and the staff when they are unable to attend a scheduled meeting so that staff may determine a quorum in advance and properly notify others if a cancellation is necessary.

- A. Regular

Regular meetings of the Commission shall be held on the first and third Monday of each month. When the regular meeting day falls on a legal holiday, the meeting shall be held on the following day. Should there be no regular meeting as defined by these Rules, a special meeting shall be deemed sufficient to satisfy the requirements of Section 17.03 of the City Charter. The Commission shall meet a minimum of once a month with the intent of not skipping consecutive meetings. Principles of comity shall apply at Planning Commission hearings and meetings. All applicants and others who have business before the Planning Commission are welcome and shall be treated with courtesy, respect, and dignity.

- B. Special

Special meetings shall be called, with at least six (6) days written notice, by the Chair, either when deemed necessary or at the request of any two (2) members.

- C. Worksessions

Worksessions shall be called by the Commission Chair either when deemed necessary or at the request of any two (2) members. At the discretion of the Commission, worksessions with developers will be held at the concept stage for all significant developments entering the site plan process. Written notice shall not be required for a worksession if the time is fixed at a previous Commission meeting or worksession.

- D. Committee Meetings

Committee meetings shall be called by the respective committee chair without written notice.

- E. All meetings and worksessions shall be open to the public except executive sessions, held in accordance with the Virginia Freedom of Information Act. No official Commission action on any matter shall be taken at a worksession or committee meeting. Regular

meetings, special meetings, worksessions, and committee meetings shall not continue past 10:30 PM without the unanimous approval of those Commissioners present.

- F. For all meetings, invitations may be offered to such person or persons who may, in the opinion of a member, or the staff, by reason of special knowledge, contribute to the discussion of a matter. The Architectural Advisory Board and other development review boards will be invited to concept worksessions with developers for significant developments, when appropriate, and at the discretion of the Commission.
- G. The Planning Commission may request a joint worksession annually after its organizational meeting with the City Council, Board of Zoning Appeals, the Architectural Advisory Board, and the Economic Development Authority to review areas of mutual interest.

## **XI. Order of Business**

- A. The order of business at all regular and special meetings shall be as follows, except that the Chair may, at the meeting, change the order of business to accommodate the public:
  - 1. Call to Order.
  - 2. Roll Call and Determination of a Quorum.
  - 3. Commission Reports.
  - 4. Receipt of Petitions.
  - 5. Planning Division Director's Report.
  - 6. Public Hearings – Old Business/New Business (items for which citizens have been notified or which have been advertised according to law, including such items when continued from previous meetings, provided that continued items and items expected to involve minimal public testimony and brief Commission discussion should be placed first).
  - 7. Other Business.
  - 8. Minutes of Previous Meeting.
  - 9. Adjournment.
- B. Four (4) members shall constitute a quorum for Commission meetings. No business shall be conducted without the presence of a quorum. In the absence of a quorum, all agenda items shall be automatically carried over to the next scheduled meeting, with all applicants so notified by the staff.
- C. Parliamentary procedure in regular and special meetings shall be governed by Roberts Rules of Order.
- D. No additional scheduled agenda items except minutes shall be considered after 11:00 PM unless the Commission, by a simple majority, votes to extend the meeting to take up specified agenda items. The remainder of the agenda items shall automatically be continued to the next scheduled meeting, or to a future specific date, provided the date for each item is agreed to by a majority and publicly announced.



## **XII. Public Hearings**

- A. In addition to those public hearings required by law, the Commission, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.
- B. Public hearings required by law for Zoning Map amendments, Zoning Ordinance text amendments, and Subdivision Ordinance text amendments shall be held only after proper notice and advertising as required by Section 38-4 of the City Code have been accomplished.
- C. At least one public hearing shall be held on each site plan application or subdivision plat application which requires Commission approval. Such public hearing shall be held only after written notice has been given in accordance with Section 38-4(b)(4), except as follows:
  - 1. Owners of property outside of the City will be notified. In addition, the Planning Division shall notify the Planning Department in the adjacent jurisdiction.
  - 2. If a site plan involves the conversion of existing rental units to condominium units, notification shall be sent also to the occupants of the rental units. Such notification may be accomplished by first class mail or by personal delivery to each unit and may be addressed "occupant".
  - 3. In the case of absentee residential owners, as shown by the City's tax rolls, notification shall also be sent to the premise addresses of properties in the City. Such notification may be accomplished by first class mail or by personal delivery and may be addressed "occupant".
  - 4. The Commission may continue the hearing to a date certain or may hold additional hearings on the same matter without additional written notice.
- D. Advertisement of a Commission public hearing on Comprehensive Plan component amendments shall be accomplished in accord with the requirements of Section 38-4(b)(3) of the City Code.
- E. The procedure for a public hearing shall be:
  - 1. Call of public hearing by Chair.
  - 2. Staff description of application together with statement of findings, comments, and recommendations (ten (10) minutes maximum, unless additional time is granted).
  - 3. Applicant's presentation in his/her own behalf or represented by an attorney or agent (ten (10) minutes maximum, unless additional time is granted).
  - 4. Interested parties' presentation and public comment on application. Each speaker, whether representing himself/herself or an organization, shall be limited to three (3) minutes with no rebuttal time.
  - 5. Applicant's rebuttal.
  - 6. Close of public hearing by Chair.

7. Commission-Staff discussion on proposal.
  8. Commission action including questions to the applicant and/or public.
  9. The staff shall provide visual aids and other materials to the extent possible to assist the Commission, television audience, and citizens present, to understand a proposal. The staff shall encourage applicants to provide such information as well. Arrangements for such visual aids shall be made in advance of the meetings whenever possible, in order to avoid confusion and delay at the meetings.
- F. The absence of personal appearance by an applicant, his attorney or agent to present the case, may cause deferral without prejudice, to a specific future date.

### **XIII. Voting**

A. Conflict of Interest

In any proceeding involving:

1. Amendment of the Zoning Ordinance based upon an application for a change in the Zoning Map, which does not constitute the adopting of a comprehensive zoning plan or ordinance applicable throughout the City; or
2. Approval of a site for any of the purposes shown on the Projected Land Use Plan or Land Use Intensity Plan;

Any member who owns or has any material financial interest in the land to be rezoned or to be approved or in the outcome of the decision in any such proceeding shall make a full, public disclosure of the exact nature of his or her interest and shall refrain from voting or participating in any way in such proceeding relating thereto. For details and elaboration see the Code of Virginia, “Virginia Conflict of Interests Act”, Title 2.1 Chapter 22, Sections 347 through 357 which are herewith adopted through reference.

- B. The Secretary or Recording Secretary shall record through roll call the voice vote of individual members on the following, with each item to be approved by the affirmative vote of not less than four (4) members and failure to obtain four (4) affirmative votes shall be deemed denial:
1. Recommending amendment of the Comprehensive Plan.
  2. Recommending amendment of the Zoning Map.
  3. Recommending approval of plans and amendments.
  4. Recommending amendment of the Zoning Ordinance text.
  5. Acquisitions, sales, and vacations of public property.
- C. When the vote is recorded without roll call, any member may request the Secretary or Recording Secretary to have the Minutes reflect his/her separate opinion after the statement of vote.

- D. Majority vote is more than one-half of the votes cast, ignoring abstentions, at a legal meeting where a quorum is present. A failure to obtain a majority vote shall be deemed denial.
- E. The yeas and nays of each recorded vote shall be recorded in the Minutes of proceedings for the meeting or special meeting during which the recorded vote took place and in all subsequent Planning Commission or Planning Department documents and recommendations to the City Council in which the recorded vote is referenced.
- F. The Secretary or Recording Secretary shall record the majority vote of members on:
  - 1. Easement acceptance.
  - 2. Variance recommendations.
  - 3. Zoning Ordinance use clarification.
  - 4. Site plans and amendments.
  - 5. Subdivisions.
  - 6. Capital Improvements Program.
  - 7. Special use permits.
  - 8. Mixed-use redevelopments.
  - 9. Conditional zonings/rezonings.
  - 10. Special exception applications.
  - 11. Any other agenda item(s) given formal consideration.

#### **XIV. Minutes**

- A. The Commission shall record on permanent transcribable media the proceedings of all regular and special meetings.
- B. The Recording Secretary shall be responsible for taking and transcribing the Minutes of the proceedings on all regular and special meetings to include:
  - 1. The names and addresses of petitioners and all witnesses giving testimony;
  - 2. An “executive” format consecutively setting forth in the Order of Business:
    - a. The agenda item;
    - b. Succinct statement of hearing proceedings;
    - c. The vote of each member on each question, or if absent or failing to vote;and
  - 3. Summary of Division Director’s Report.
- C. Copies of draft unapproved Minutes shall be sent only to Commissioners (for approval) and to the City Council, and the Board of Zoning Appeals for information. They shall be made available in the Planning Division for public review until such time as approved Minutes are available, at which time only approved Minutes shall be copied, distributed to interested parties, and made available to the public in the Planning Division.

- D. The Chair (or delegate member or Secretary) and Recording Secretary shall sign each set of approved Minutes. Copies of the approved Minutes and recording media of Commission meetings and other official actions shall be filed in the Planning Division as public record. Sound recordings shall be preserved for a period of three (3) years, after which they may be destroyed. Video recordings shall be preserved for a period of one (1) year.

## **XV. Correspondence and Official Papers**

- A. All official papers and approved actions involving the authority of the Commission shall bear the signature of the Chair, Vice Chair or Secretary.
- B. Adopted resolutions amending the Comprehensive Plan, accompanied by a copy of the approved Plan in whole or in part, shall be dated according to official action(s) signed by the Chair, attested by the Secretary, signed by the Mayor, attested, certified, and affixed with seal by the City Clerk and filed with Staff with the Clerk of the Court of appropriate jurisdiction as required by City Charter, Section 17.06.

## **XVI. Annual Report to City Council**

- A. The Commission, or Secretary, or staff, as delegated, shall file a report on all actions taken by the Commission during the past calendar or fiscal year.
- B. Such report shall be transmitted to the City Council either as a distinct entity or as a portion of the Division annual report.
- C. A minority of the Commission shall have the right to file a separate statement(s) to accompany the report embodying the recommendations or actions of the majority.

## **XVII. Work Program**

- A. Annually, but not later than the first meeting in March, at the first regular meeting of the new year the Commission shall establish a work program with projects having priorities for the ensuing year.
- B. Special Service Applications

All special service applications, including site plan, Creative Development and subdivision review, rezonings, ordinance text revisions, official map and plan maintenance, mixed-use redevelopments, special exceptions, and other continuous Divisional administrative responsibilities shall receive priority over special studies.

C. Special Studies

All Commission projects directed to staff for research, analysis, and formulation shall have their priorities established by the Commission through majority vote.

D. Commission Directives

A majority of the Commission may direct staff to engage in independent studies and/or analysis of phases of comprehensive planning.

E. Programming of City Council-Planning Commission Objectives

The Chair of the Planning Commission will periodically meet with the Mayor in order to reach an agreement on (a) coordinating the Council, Planning Commission programs; (b) determining the priorities of the several items in such programs; and (c) giving consideration to the adopted objectives of the Council relating to planning and zoning. It is recommended that the City Manager and the Planning Division Director shall attend these meetings as advisors.

## **XVIII. Procedures Amendments**

- A. If the Commission fails to hold elections or to adopt Rules of Procedure at the designated time, the officers and/or Rules of the immediately proceeding year shall remain in office or in force until such time as the Commission shall take affirmative action.
- B. These Rules may be amended or modified by a recorded vote after two weeks advance notice of intent to change has been given the members during the course of a regular or special meeting.

## **XIX. Effective Date**

- A. Noting in the foregoing Rules of Procedure shall be deemed as invalidating any official business transacted by the Commission prior to adoption of these Rules of Procedures.
- B. The foregoing Rules of Procedure shall become effective upon majority vote in a regular or special meeting.

## **Amendments To Date**

Adopted        July 1983.

Amended       January 6, 1986: Revised Section XI.D.

<u>Amended</u>	December 18, 1989: Revised Section VII.A.; Added Sections IX.E., F., G, and H. (and re-lettered existing paragraphs); Revised Section XI.A.5. and eliminated subparagraph 6 (and renumbered the rest); Revised Sections XII.E.2. and 3.; <u>and</u> Added Section XII.E.9.
<u>Amended</u>	February 1991: Minor text changes.
<u>Amended</u>	January 1992: Minor text changes.
<u>Amended</u>	February 1993: Revised Sections IV.B., XI.A., and XIII.C.1., and changed the starting time of meetings from 8:00 PM to 7:45 PM.
<u>Amended</u>	March 1999: Deleted <u>Section</u> VIII, Applications, F. Creative Developments (C-D), and re-lettered existing sections; and minor text changes.
<u>Amended</u>	April 1999: Added Section VIII.B.14., concerning periodic surveys of interested persons concerning the development review process, and minor text amendment to Section X.A.
<u>Amended</u>	June 2001. Revised Section III.B. by adding 8.; Deleted Section IV.B. (and re-lettered existing paragraphs); Added Section VIII.H. Special Exception Applications (without supporting text); Revised Section X.A; Added Section XIII.E. 8. Mixed-use redevelopments, Section XIII.E.9. Conditional zonings/rezonings, and Section XIII.E.10. Special exceptions (and re-numbered existing text); Revised Section XVII.B; and minor, housekeeping text changes.
<u>Amended</u>	July 2001. Added Section VIII.H. Special Exception Applications text; Added Section X.D. Committee Meetings and re-lettered existing paragraphs).
<u>Amended</u>	October 2003. Revised Section IX.D. concerning placing items on the agenda; Revised Section X.E. to change the time by which meetings should end; Section XII.E.4. to limit petitioners to three minutes; and Section XIII.D. deeming a tie vote as a denial.
<u>Amended</u>	December 2003. Added Section XIII.E. concerning recording and reporting yeas and nays of recorded votes and re-lettered the following existing paragraph.